

C. Remarks

This Response is a submission under 37 CFR § 1.114 in connection with a Request for Continued Examination (RCE).

In the current Office Action, claims 1-14 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,991,749 (Morrill) in further view of U.S. Patent No. 6,198,915 (McGregor), and claims 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrill.

Applicant respectfully traverses the rejections as follows.

Claim Amendments

Claim 1 has been amended to recite:

An account management system for sharing airtime balances among a plurality of communication accounts within a communication system, the account management system comprising:

an account management server for storing and operating on the plurality of communication accounts, each communication account including account user information and an account airtime balance comprising a measurement of communication time for utilizing the communication system,

wherein the account management server is configured to transfer at least a portion of an account airtime balance associated with a first account to a second account.

Claim 15 has been amended to recite:

An account management method for sharing airtime balances among a plurality of communication accounts within a communication system, the account management method comprising:

storing a plurality of communication accounts for operating within a communication system, each communication account including account user information and an account airtime balance comprising a measurement of communication time for utilizing the communication system; and

transferring of at least a portion of an account airtime balance associated with a first account to a second account.

Claim 19 has been amended to recite:

A computer-readable medium having instructions stored thereon, which, when executed by a processor within an account management server within a communication system, cause the processor to:

store and operate on a plurality of communication accounts, each communication account including account user information and an account airtime balance comprising a measurement of communication time for utilizing the communication system; and

authorize a transfer of at least a portion of an account airtime balance associated with a first account to a second account.

Support for these amendments is found throughout the description, drawings and claims as filed.

Claims 3-5, 7-10 and 16 have been amended to conform to the amendments of their respective base claims.

The amendments to claims 1, 3-5, 7-10, 15, 16 and 19 add no new matter.

35 U.S.C. § 103 Rejections

Claims 1-14, 19 and 20

Claims 1-14 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrill in further view of McGregor.

A determination of obviousness under § 103 requires (1) determining the scope and content of the prior art; (2) ascertaining the differences between the claimed invention and the prior art; and (3) resolving the level of ordinary skill in the pertinent art. Based on these factual inquiries and any secondary considerations, the obviousness or nonobviousness of the subject matter is determined. *See* MPEP § 2141. Although the prior art references need not teach or suggest all of the claim limitations, Office personnel must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. *See id.* Importantly, any conclusion of obviousness must be supported with some articulated reasoning with some rational underpinning; mere conclusory statements are not sufficient. *See id.* In the present case and as discussed below, Applicant submits that the references cited by the Office, alone or in combination, fail to teach or suggest every feature recited in at least independent claims 1 and 19, and the Office has provided no explanation as to why these differences would have been obvious.

Claim 1, as amended, recites:

[a]n account management system for sharing airtime balances among a plurality of communication accounts within a communication system, the account management system comprising:

an account management server for storing and operating on the plurality of communication accounts, each communication

account including account user information and an account airtime balance comprising a measurement of communication time for utilizing the communication system,

wherein the account management server is configured to transfer at least a portion of an account airtime balance associated with a first account to a second account.

The Office acknowledges, and Applicant agrees, that Morrill does not use the term

“account management server.” The Office states, however, that:

Morrill in at least Column 1, lines 30-40, and Column 2, lines 18-31 discloses a method used to transfer funds between different accounts including the steps of expanding the function of a service provider's central processing unit to include account and authorization information entered from a cellular phone or other wireless communication device.

The Office therefore appears to contend that Morrill teaches or suggests all features of claim 1 with the exception of the “account management server.” Applicant respectfully disagrees.

More specifically, Applicant submits that Morrill fails to teach or suggest at least:

an account management server for storing and operating on the plurality of communication accounts, each communication account including ...an account airtime balance comprising a measurement of communication time for utilizing the communication system,

wherein the account management server is configured to transfer at least a portion of an account airtime balance associated with a first account to a second account,

as recited by amended claim 1. With respect to the first passage cited by the Office

(column 1, lines 30-40), Morrill discloses:

In accordance with the present invention, a method is used to transfer funds between different accounts including the steps of expanding the function of a service provider's central processing unit to include account and authorization information, entering a function code on the keypad of a

cellular phone or other wireless communication device, and sending the function code to the central processing unit. The central processing unit identifies the desired transaction and obtains authorization. The central processing unit determines the accounts involved in the transaction, and confirms completion of the transaction.

With respect to the second passage cited by the Office (column 2, lines 18-31), Morrill discloses:

Referring in more particularity to FIGS. 1A-1E, the illustrated procedure allows a cellular phone or other wireless communication device to be used to transfer funds between accounts belonging to the same entity/person or to an account belonging to another party. Such transactions could include for example: purchasing a good or service by transferring funds (paying) to a second party's phone or financial account; or transferring funds between a person's credit accounts, from credit to debit or stored-value accounts, to, from, or between bank (saving or checking) accounts. Other activities could include checking balances in financial accounts. Communication takes place between the cellular phone and the mobile telephone service provider's cell antenna and thence via land line to a CPU.

Nowhere in either passage does Morrill teach or suggest a "communication account including ...an account airtime balance comprising a measurement of communication time for utilizing the communication system, wherein the account management server is configured to transfer at least a portion of an account airtime balance associated with a first account to a second account" as recited by amended claim 1. To the contrary, to the extent that either passage discloses transfers between accounts containing a balance, the accounts are financial accounts and the balances are fund balances. Clearly, neither passage teaches or suggests a transaction between communication accounts (or any other type of account) that involves the transfer of an account airtime balance comprising a measurement of communication time.

Similarly, Applicant submits that the other passages of Morrill fail to teach or suggest these features. In this regard, Applicant respectfully directs the Office's attention to Examples 1 to 3 disclosed by Morrill. In Example 1 (column 3, line 64 to column 6, line 13), Morrill discloses the use of a cell phone to secure the transfer of money between two parties in lieu of cash. In Example 2 (column 6, line 14 to column 8, line 46), Morrill discloses the use of a cell phone to facilitate parking transactions. In order to pay for parking services, charges may be debited, for example, from a customer's pre-paid parking account, or the funds may be directed to the parking facility operator from another source (e.g., another pre-paid account or a credit card). In Example 3 (column 8, line 47 to column 10, line 6), Morrill discloses the use of a cell phone for the payment of transit fares by, for example, debiting a pre-paid transit account, phone account, or a credit card. In addition to Examples 1 to 3, Morrill discloses the use of a cell phone for paying tolls from a vehicle by transferring funds from a user's account to the tolling authority (column 10, lines 7-55), as well as the use of a cell phone in conjunction with a PC to provide security for purchases made via the Internet or other interactive on-line transaction system (column 10, line 56 to column 12, line 27). Applicant submits that Morrill fails to teach or suggest in any of these passages a "communication account including ...an account airtime balance comprising a measurement of communication time for utilizing the communication system, wherein the account management server is configured to transfer at least a portion of an account airtime balance associated with a first account to a second account" as recited by amended claim 1. Rather, as in the passages of Morrill cited by the Office, these

passages of Morrill disclose, at most, transfers between financial accounts containing fund balances.

The Office appears to cite McGregor as suggesting the “account management server” feature of claim 1. McGregor generally relates to a mobile phone system having internal accounting capabilities. The Office admits that Morrill nowhere specifically recites an “account management server,” and the passages cited by the Office (column 2, lines 11-67, column 15, lines 23-33, and column 16, lines 49-67) appear to relate almost entirely to mobile phones having internal realtime accounting functions, and not to servers or other devices for performing functions of the “account management server” recited in amended claim 1. Even if McGregor would suggest an “account management server” as the Office apparently contends (and which Applicant disputes), and assuming that McGregor is properly combinable with Morrill (which Applicant does not admit), Applicant respectfully submits that McGregor would still fail to cure the above-described defects of Morrill with respect to claim 1.

For at least the above reasons, Applicant submits that the Office has failed to establish a case of *prima facie* obvious based on Morrill and McGregor with respect to claim 1. Applicant further submits that claims 2-14 are also not rendered obvious by Morrill and McGregor at least by virtue of their dependence from claim 1.

Claim 19 has been amended in a manner analogous to that of claim 1. For at least the reasons cited above with respect to claim 1, Applicant submits that claim 19, as well as claim 20 depending therefrom, are not rendered *prima facie* obvious by Morrill and McGregor, either alone or in combination.

Claims 15-18

Claims 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrill.

Claim 15 has been amended in a manner analogous to that of claim 1. For at least reasons cited above with respect to claim 1, Applicant submits that claim 15, as well as claims 16-18 depending therefrom, are not rendered *prima facie* obvious by Morrill.

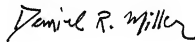
D. Conclusion

The above-described amendments have been made for purposes of expediting prosecution; the correctness of any rejection of the present or preceding Office Action is not conceded. Applicant reserves the right to present arguments as may be necessary because features of dependent claims further distinguish the independent claims from the cited reference. A detailed discussion of such differences is believed to be unnecessary at this time in view of at least the differences between the independent claims and the cited reference discussed above.

Applicant respectfully requests entry of and a Notice of Allowance for the claims listed above. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

The Office is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 11-1110.

Respectfully submitted,



Daniel R. Miller
Reg. No. 52,030

K&L GATES LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222
Telephone: (412) 355-6773
Facsimile: (412) 355-6501